

PROTECTIVE ORDER

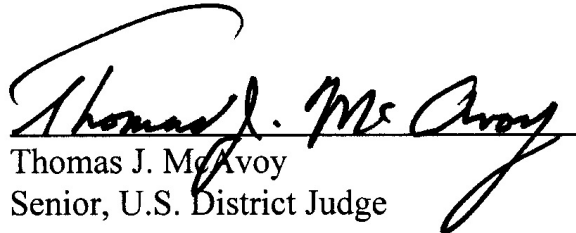
This matter, having come to the Court's attention on the uncontested Motion for Entry of a Discovery Protective Order submitted by the United States of America, and the Court, having considered the motion, and being fully advised in this matter, hereby enters the following PROTECTIVE ORDER:

1. This Protective Order governs discovery materials containing law enforcement sensitive information that will be clearly marked by the government as being produced under Protective Order by the government in any format (written or electronic) (hereinafter "Protected Materials"), and information contained therein, that is produced by the government in discovery in the above captioned case.
2. The United States will make available copies of the Protected Materials, including those filed under seal, to defense counsel to comply with the government's discovery obligations. Possession of copies of the Protected Materials produced in discovery is limited to the attorneys of record, and investigators, paralegals, law clerks, experts and assistants for the attorneys of record (hereinafter collectively referred to as members of the defense team).
3. The Defendant shall have thirty (30) days from the date of disclosure to challenge the Government's determination that any material should be considered "Protected Material". The parties shall make a good faith effort to resolve any dispute over any "Protected Material" designation. Should the parties fail to resolve their disagreement, the Defendant may seek relief from this Court from the "Protected Material" designation.

4. The Defense attorneys of record and members of the defense team may display and review the Protected Materials produced in discovery with the Defendant. The attorneys of record and members of the defense team acknowledge that providing copies of the Protected Materials produced in discovery to the Defendant and other persons is prohibited, and agree not to duplicate or provide copies of the Protected Materials to the Defendant and other persons.
5. Nothing in this order should be construed as imposing any discovery obligations on the government or the defendant that are different from those imposed by case law and/or Rule 16 of the Federal Rules of Criminal Procedure, and the Local Criminal Rules.
6. Any Protected Materials produced in discovery, or information contained therein, that is filed with the Court in connection with pre-trial motions, trial, sentencing, or other matter before this Court, shall be filed under seal and shall remain sealed until otherwise ordered by this Court. This does not entitle either party to seal their filings as a matter of course. The parties are required to comply in all respects to the relevant local and federal rules of criminal procedure pertaining to the sealing of court documents.
7. The provisions of this Order shall not terminate at the conclusion of this prosecution.
8. Any violation of any term or condition of this Order by the Defendant, the Defendant's attorneys of record, any member of the defense team, any attorney for the United States Attorney's Office for the Northern District of New York, or any member of the prosecution team, may be held in contempt of court, and/or may be subject to monetary or other sanctions as deemed appropriate by this Court.

9. Any Protected Materials produced in discovery pursuant to this Order shall be returned to the United States Attorney's Office, including all copies, within ten days of the completion of the case before the Court or, if an appeal is taken, within ten days of the completion of the case in the United States Court of Appeals for the Second Circuit or Supreme Court of the United States. Defendant's counsel may maintain a copy of said Protected Materials as part of the privileged and confidential case file maintained by their office in the normal course of business, provided that no disclosures of the protected Materials may be made unless said disclosures are consistent with this Order, or without leave of the Court.
10. If the Defendant violates any term or condition of this Order, the United States reserves its right to seek a sentencing enhancement for obstruction of justice, or to file any criminal charges relating to the Defendant's violation.

DATED this 17th day of December.


Thomas J. McAvoy
Senior, U.S. District Judge